



Land Development News

County of San Diego
Department of Public Works
May 2010

Rick Lantis, DPW Team Leader & Project Manager; Sara Agahi, DPW Watershed Protection Program

DPW Land Development and Watershed Protection met recently to coordinate a response to industry's question: "would paving a private road, when not exceeding the thresholds that would require a grading permit, require any other County permits?" The Industry group at the Professional Societies meeting generally determined there would be no official DPW permits, but the property owner would still be subject to RWQCB regulations. After review, staff determined that currently, there is no mechanism to receive and review a Stormwater Management Plan (SWMP) which is not associated with a discretionary project. Please note that Section 67.811 of the Water Protection Ordinance does address paving operations under "Land Disturbance Activities". A SWMP would be required for all priority projects per the County's Municipal Stormwater permit in order for any priority development to remain in compliance with the Stormwater permit.

Until a formal process is developed, DPW will have to handle on a case-by-case basis. DPW is looking into developing a process and may seek the help of Industry to jointly formulate an acceptable process/ form or permit. For now, individuals and the County will need to rely on the RWQCB's general permit for obligations and related enforcement.

It is advisable to follow the design guidelines in the appropriate SWMP (major or minor) to ensure that paving projects would be permit compliant. It is also advisable to submit an associated SWMP to the Land Development team to review and request a letter from the County that states that the County finds the plan adequate.

Derek Gade, PDCI DPW LUEG Program Manager

2009/2010 Rainy Season Summary for Construction Projects

The Department of Public Works Private Development Construction Inspection (PDCI) section worked cooperatively with developers and their representatives during the most recent rainy season to ensure private development projects adhered to the County's stormwater requirements. The official County and State rainy season ended on April 30. Over this past year's rainy season (October 1, 2009 to April 30, 2010), PDCI averaged about 189 open grading permits and 98 major subdivision improvement permits on an on-going basis where we performed, at minimum, monthly inspections to review stormwater compliance. During this period, PDCI issued 37 stormwater warnings and 52 citations. The development community continued to be more aware of the stormwater requirements this season, and many sites were in continuous compliance.



If you have any questions, please feel free to contact Private Development Construction Inspection at (858) 694-3165, or email at grading@sdcounty.ca.gov.

Construction Projects - Notice of Intent Requirements

As part of the County's stormwater requirements, PDCI is required to verify that private developers have a valid Notice of Intent (NOI) with the State Water Resources Control Board before the start of any construction where there is disturbance greater than one acre. As part of the new Statewide General Construction Permit, all existing NOIs will be terminated by the State as of July 1, 2010, and new NOIs are required for ongoing or new construction projects. PDCI will be requiring verification of valid NOIs for all permitted projects with one acre or greater of disturbance in early July to ensure our developers meet the State's requirements.

For current projects with a NOI, please ensure you re-register prior to July 1, 2010 through the "Storm Water Multiple Application and Report Tracking System (SMARTS) System" to be grandfathered as a Level 1 priority. For more information on SMARTS and applying for NOIs, please visit the website at <http://smarts.waterboards.ca.gov/>.

If you have any questions, please feel free to contact Private Development Construction Inspection at (858) 694-3165, or email at grading@sdcounty.ca.gov.

Terry Connors, DPW County Surveyor

DPLU Revised Boundary Adjustment Process

In response to industry's call to involve a licensed land surveyor in the process of boundary adjustments, certificates of compliance and mergers, DPLU recently announced changes to their procedures. A referral will be made to the County Surveyor's office for his review of all applications, deed(s) and resultant legal description(s). To also assure that in the future there are no certificates of compliance issued prior to the recordation of the required deed(s), applicants will be required to submit the deed(s) along with the resultant legal description(s) to DPLU (Attention: County Surveyor) for review. Upon final approval, DPLU will be responsible for getting the documents recorded.

Hints for writing legal descriptions:

- 1) Deeds should contain as much of the creation legal description as possible
- 2) Qualifying calls should be maintained when possible
- 3) To avoid gaps or overlaps, multiple legal descriptions should have the same Point of Beginning, if possible, and follow in the same direction
- 4) Remember that all legal descriptions need to be signed and sealed by a licensed land surveyor or a civil engineer authorized to practice land surveying.

In the meeting with DPW on May 6, 2010, a concern was expressed that the lack of lender sign off on boundary adjustments could create significant issues in the future. The boundary adjustment process is managed by DPLU, and DPLU provided the following comments:



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- 1) There is no requirement in the Map Act requiring lender sign-off to be part of the application or review process
- 2) For as many engineers and land surveyor expressing concerns, there would likely be as many, or more, expressing concerns that requiring lender sign-off would be an impediment to the process
- 3) DPLU recommends the engineer and surveyor be actively consulting with their client about lender sign-off and other issues of the Boundary Adjustment, Certificate of Compliance or merger process
- 4) DPLU has placed a note on all conditional approval letters advising applicants it is their responsibility to amend any existing financial agreements (i.e. deeds of trust, mortgages, etc.) as a result of the approved changes in the property boundaries.

The County Surveyor recommends the following issues be reviewed and discussed with your client when performing a boundary adjustment or merger:

- Current Title Report
- Prepayment of real property taxes
- Deeds of Trust, Partial Reconveyance
- Mortgages
- Special Assessment Lien
- Easements (existing and future access)
- Utility sign-offs
- R/W consideration (sight distance, driveway spacing, etc.)